

ASSEMBLY BILL

No. 2389

Introduced by Assembly Member Gaines

February 19, 2010

An act to amend Section 1569.70 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, as introduced, Gaines. Residential care for the elderly.

Existing law requires the State Department of Social Services to license and regulate residential care facilities for the elderly.

This bill would make a technical, nonsubstantive change in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.70 of the Health and Safety Code
2 is amended to read:
3 1569.70. It is the intent of the Legislature to develop and
4 implement a plan to establish three levels of care under the
5 residential care facility for the elderly license, subject to future
6 Budget Act appropriations and statutory authorization to implement
7 levels of care.
8 (a) The guidelines for the development of these levels of care
9 are:
10 (1) Level I—Base care and supervision. Residents at this level
11 are able to maintain a higher degree of independence and need

1 only minimum care and supervision, as defined, and minimal
2 personal care assistance.

3 (2) Level II—Nonmedical personal care. Residents at this level
4 have functional limitations and psychosocial needs requiring not
5 only care and supervision but frequent assistance with personal
6 activities of daily living and active intervention to help them
7 maintain their potential for independent living.

8 (3) Level III—Health related assistance. Residents at this level
9 require the services of lower levels and rely on the facility for
10 extensive assistance with personal activities of daily living. This
11 level may include residents who also require the occasional services
12 of an appropriate skilled professional due to chronic health
13 problems and returning residents recovering from illness, injury,
14 or treatment that required placement in facilities providing higher
15 levels of care.

16 These levels are to be based on the services required by residents
17 at each level due to their functional limitations.

18 (b) The levels of care plan shall include:

19 (1) Guidelines for meeting requirements at each level of care
20 by utilizing appropriate community and professional services.
21 Options shall be provided to allow facilities to meet resident needs
22 by accessing community services or hiring appropriate staff.

23 (2) Assessment procedures for facility evaluation of residents'
24 level of care needs.

25 (3) Process for ensuring the individual facility's ability to serve
26 clients at each level of care they intend to provide.

27 (4) Recommendations for a supplemental rate structure based
28 on the services required at Levels II and III to be provided for
29 residents who need those levels of care and are recipients of
30 SSI/SSP. These rates shall be in addition to the basic SSI/SSP rate
31 for providing care supervision and shall reflect actual costs of
32 operation for residential care facilities for the elderly.

33 (5) Procedures for assessment and certification of SSI/SSP
34 recipients, by county social services departments to allow for
35 administration of the supplemental rate structure.

36 (6) Procedures for evaluating and monitoring the appropriateness
37 of the levels of care determined for SSI/SSP recipients.

38 (c) Implementation of the levels of care system shall consider
39 the applicability of the 1985 level of care report developed by the
40 California Health and Human Services Agency, so as to ensure

- 1 continuity in the residential care facility for the elderly program
- 2 as outlined under this chapter.

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